

Notice of Allowability

Application No.

10/609,131

Applicant(s)

FRIDLEY, MICHAEL A.

Examiner

Joseph S. Del Sole

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-10 and 12-19.
3. ☒ The drawings filed on 30 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>6/30/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

ALLOWANCE

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 6/30/03 is being considered by the examiner. However, the inclusion of the Notices of References Cited is not a proper submission of an IDS. To remedy this the Examiner has added the documents from the Notice of References Cited submitted by the Applicant to a new Notice of References Cited.

Allowable Subject Matter

2. Claims 1-10 and 12-19 are allowed.

3. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or suggest a self-aligning cutter hub for connection to a drive shaft, the hub having an inner surface provided with an arcuate curvature and an adapter connected to the drive shaft having an arcuately curved outer surface engaged to the hub to enable pivotal movement, and a torque transmitting structure interconnecting the outer surface of the adapter and the inner surface of the hub for driving the hub with a retainer adapted to retain the torque transmitting structure in assembled interconnected relation to the hub and adapter. The closest prior art, Adams et al (5,624,688), fails to teach the retainer as claimed and the hub having an arcuately curved inner surface. Kumpar (4,358,283) fails to remedy the prior art because there is no motivation to use the join with spring members in a cutter hub and drive shaft combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 1722

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

References of Interest

4. Adams et al (5,624,688), Bird et al (5,230,659), Kumpar (4,358,283), Smith (2,182,455), Rzeppa (2,615,317), Ward (2,150,952), Harz et al (5,599,234), Fukumura et al (5,632,683), Hopson (5,823,883), Anderson (2,047,660), Heym (2,653,456), Abbot (2,381,096), Grosseau (3,982,840), Mazziotti (3,176,477) and Rzeppa (1,916,442) are cited of interest to show the state of the art.

Correspondence

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

Joseph S Del Sole
J.S.D.
May 13, 2004

[Signature]
ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300-1722

5/14/04